

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



health care). Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures and shall be subject to such terms and conditions as the Commission may, by rule, regulation, or order, prescribe.

"(2)(A) All licensees required to maintain financial protection under this section shall also be required, without regard to the manner in which they obtained other types or amounts of financial protection, to participate in an industry retrospective rating plan. Such plan shall provide for premium charges deferred in whole or in major part until public liability from a nuclear incident exceeds or appears likely to exceed the sum of—

"(i) the level of primary financial protection required of the licensee involved in the nuclear incident; and

"(ii) the amount otherwise available from such licensee for the satisfaction of such liability (including all real and personal property of the licensee and any amounts available pursuant to applicable bankruptcy proceedings).

"(B) The deferred premium that shall be charged following any nuclear incident under such a plan shall be such amount as is required under rules promulgated by the Commission not later than 60 days after the date of the enactment of the Nuclear Incident Liability Reform Act of 1985. Such amount required under such rules shall be determined according to a formula based on—

"(i) the licensee's generating capacity;

"(ii) the degree of risk of nuclear incident associated with the licensee;

"(iii) the licensee's total assets; and

"(iv) such other factors as the Commission deems appropriate.

"(3) Payment of any State premium taxes that may be applicable to any deferred premium provided for in this Act shall be the responsibility of the licensee and shall not be included in the retrospective premium established by the Commission.

"(4) If any licensee is unable to meet any assessment of deferred premiums within a reasonable time following any nuclear incident without impairing the provision of electric utility service by such licensee, the Commission may loan such licensee the amount by which such assessment exceeds the amount which the licensee is able to play without such impairment. The loan shall be made upon such terms and conditions as may be established by the Commission except that such loan shall be secured by the liens on assets of such licensee and on the revenues derived therefrom and shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the making of such loan."

#### SEC. 4. ELIMINATION OF LIMITATION OF LIABILITY

(a) IN GENERAL.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by striking out subsection e.

#### (b) CONFORMING AMENDMENTS.—

(1) The section heading for section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended to read as follows:

"SEC. 170. LIABILITY FOR NUCLEAR INCIDENTS.—"

(2) Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by striking out subsection o.

(3) Section 2 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2012(i)) is amended by striking out "and may limit the liability of those persons liable for such losses".

(4) The item relating to section 170 in the table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended to read as follows:

"Sec. 170. Liability for nuclear incidents."

#### SEC. 5. SURVEY OF CAUSES AND EXTENT OF DAMAGE OF NUCLEAR INCIDENTS.

Section 170 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(i)) is amended by striking out "which will probably require" and all that follows through "\$560,000,000".

#### SEC. 6. WAIVER OF DEFENSES WITH RESPECT TO NUCLEAR INCIDENTS.

Section 170 n. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2010(n)(1)) is amended to read as follows:

"(1)(A) The Commission shall require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive any issue or defense described in subparagraph (B) with respect to any nuclear incident with respect to which financial protection is required under this section and that—

"(i) arises out of, or results from, or occurs in the course, of the construction, possession, or operation of a production or utilization facility;

"(ii) arises out of, or results from, or occurs in the course of transportation of, source material, byproduct material, or special nuclear material to or from a production or utilization facility; or

"(iii) during the course of the contract activity arises out of, or results from, the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or byproduct material.

"(B) The issues and defenses required to be waived under subparagraph (A) are—

"(i) any issue or defense as to conduct of the claimant or fault of persons required to obtain financial protection;

"(ii) any issue or defense as to charitable or governmental immunity; and

"(iii) any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

"(C) The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforceable in accordance with their terms of the claimant. Such waiver shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant."

#### SEC. 7. FEDERAL COURT JURISDICTION.

Section 170 n. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(2)) is amended by striking out "extraordinary nuclear occurrence" each place it appears and inserting in lieu thereof "nuclear incident".

#### SEC. 8. LICENSES FOR DOMESTIC DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.

Section 53 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2073(e)) is amended—

(1) by striking out "and" in paragraph (7) and inserting in lieu thereof a period;

(2) by inserting "and" at the end of paragraph (6); and

(3) by striking out paragraph (8).

#### SEC. 9. SECONDARY LIABILITY.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end thereof the following new subsection:

"(q)(1) Nothing in this section shall limit the right of any licensee referred to in subsection a., or any contractor referred to in subsection d., or any other party (including the United States Government) that has paid or will pay deferred premiums or indemnity payments with respect to any nuclear incident to recover, under applicable State law, damages from any other party liable (in whole or part) for the nuclear incident in question, notwithstanding any indemnification of the other liable party pursuant to the provisions of this section.

"(2) When the United States Government has made any indemnity payments in accordance with this section, it shall exercise all rights preserved by this subsection against any party that would otherwise be liable, and shall not have the discretion to settle or compromise any such suit for less than the amount of the payments that the United States Government has made."

#### SEC. 10. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date 60 days after the date of the enactment of this Act and shall apply with respect to all contracts referred to in section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) and to all licenses referred to in section 170 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(a)) without regard to whether such contracts were entered into, or such licenses were issued, before, on, or after the date of the enactment of this Act.

### HUMANE CARE FOR LABORATORY ANIMALS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

Mr. BROWN of California. Mr. Speaker, today I have introduced H.R. 2653 the Improved Standards for Laboratory Animals Act of 1985. This legislation is a revised version of H.R. 5725 which I introduced in the 98th Congress. A similar version will be introduced in the Senate by Senator DOLE.

This legislation would amend the Animal Welfare Act, which was passed in 1964, and amended in 1970 and 1976. This law sets minimum standards for the care and treatment of animals used in research facilities, transportation and commerce and is the primary law governing the care and treatment of animals.

There has been a growing concern in our country about the welfare and rights of animals. The use of animals in research has in the past been instrumental in finding causes, treatments, and cures for diseases, both in animals and humans. However, I feel strongly that animals are sensing





beings, capable of feeling pain, and should be treated as humanely as possible. A growing percentage of the American public share this view.

For this reason, I have supported research to develop methodologies which use fewer animals, as well as procedures which do not require the use of live animals, such as tissue cultures. Some of these procedures show promise of being effective, economically acceptable replacements in some instances. And, I encourage continued exploration into these alternatives.

However, at this point, animals still play a vital role in certain research. While our current law sets minimum standards for the care of animals, it is clear to me that our society is ready to increase these safeguards to insure that animals are treated humanely.

Many of our research facilities already maintain high animal care standards. Several facilities have been accredited by the American Association for the Accreditation of Laboratory Animal Care [AAALAC], which sets standards more stringent than those outlined by the Animal Welfare Act. And I commend the work and dedication of these scientists.

However, over the past few years, there have been several publicized instances of research institutions, some highly respected academically, which have been found to be in violation of the Animal Welfare Act. Accounts of research facilities using stolen dogs and cats, working in poorly maintained buildings, and neglecting animals, work contrary to constructive scientific inquiry and are a blemish to the scientific community.

The Subcommittee on Department Operations, Research and Foreign Agriculture held a hearing on the Improved Standards of Laboratory Act of 1984, September 19, 1984. At that hearing, it was made clear that increased attention and priority to the Animal Welfare Act and its goals of insuring humane care and treatment of animals were needed.

At these hearings, a report was submitted by the Society for Animal Protective Legislation which studied APHIS inspection reports and annual reports from 186 institutions using live animals in research. Of the institutions studied, only 24 percent were in complete adherence to the standards set by the Animal Welfare Act. Of the rest, 23 percent had major violations as well as repeated deficiencies, 22 percent had less frequent major violations, and 28 percent had minor violations. Mr. Speaker, this high rate of violation signals that our animal care laws must receive a higher priority, both by animal users, and by our enforcement agencies.

On May 19, 1985, the Government Accounting Office [GAO] released its report regarding the Department of Agriculture's Animal Welfare Pro-

gram. This report reveals that there is considerable room for improvement in the enforcement of the Animal Welfare Act. During fiscal year 1983, the year studied, GAO found that APHIS did not inspect all facilities using live animals. In fact, in my State, California, APHIS inspected only 48 percent of these research facilities. This means that 52 percent were not inspected at all. In addition, 55 percent of the registered animal dealers were not inspected that year.

The legislation I have introduced today will help to address all of the problems I have outlined above. It will help reduce the pain and distress of laboratory animals, while at the same time not interfering with scientific inquiry. It is a moderate and reasonable approach to insuring humane treatment of laboratory animals.

The Improved Standards for Laboratory Animals Act will:

First, strengthen standards for laboratory animal care. The legislation includes requirements for the use of painkillers and euthanasia, provisions for exercise for dogs, and requires researchers to give assurances that alternatives to practices which may cause pain and distress to animals have been considered. It encourages humane treatment of animals by requiring research facility employees working with animals to have animal care training once a year.

Second, increase enforcement of the Animal Welfare Act. The legislation requires each facility to appoint an institutional animal committee, including at least one member not affiliated with the laboratory, and a veterinarian. This committee will inspect the facility twice a year and notify the institutions and appropriate Federal authorities of violations. If a facility, given the opportunity to correct violations, does not adhere to the Animal Welfare Act, Federal agencies are directed to suspend or revoke funding. The USDA Animal and Plant Health Inspection Service [APHIS] would be required to inspect facilities at least once a year, with follow-up visits until violations are corrected. APHIS would be required to inspect Federal facilities. Fines for violators of the Animal Welfare Act will be increased.

Third, reduce unintended duplication of experiments using animals and encourage the use of more humane and nonanimal procedures. The legislation calls for the creation of a national data base of current and completed experiments, as well as information on humane and alternative procedures for animal use. This data base will be made available on a voluntary basis to researchers and will be used to disseminate this information.

Mr. Speaker, another distressing situation has arisen which I feel warrants our attention, and which I have addressed with a second piece of legis-

lation, H.R. 2654. This legislation sets Federal penalties for breakins and destruction of research facilities using animals. There have been a number of breakins of research facilities which have included malicious destruction of property, vandalism, as well as the theft of research animals. The latest incident was at a university in my congressional district, the University of California, at Riverside. It is estimated that close to \$700,000 worth of damage was done and over 460 animals stolen. The benefits of the research which had been undertaken were lost. The result was that several research projects have been set back or must be started over again.

While I sympathize with the goals of these activists to expose the public to the moral questions regarding the use of animals in research, I cannot, and will not, condone the use of vandalism and malicious destruction as a legitimate means for achieving policy changes.

Because of this increase in vandalism to laboratories, I have introduced a companion bill to the Improved Standards for Laboratory Animals Act that would make laboratory breakins a Federal crime. This would enable authorities to follow vandals across State lines. I consider this a package, but in light of the severity of this action, will introduce it separately to allow appropriate congressional consideration of this provision.

#### H.R. 2654

A bill to amend the Animal Welfare Act to establish a federal penalty for damaging or destroying an animal research facility

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### PENALTY FOR DESTRUCTION OF RESEARCH FACILITIES

SECTION 1. The Animal Welfare Act (7 U.S.C. 2131-2156) is amended by adding at the end thereof the following new section:

"Sec. 27. Whoever willfully or maliciously, with the intent to interfere with or prevent research, which uses live animals destroys or damages a research facility which uses live animals or instruments, equipment, or other property within such facility, shall—

"(1) if the offender in the course of the offense places the life of any person in jeopardy, be fined not more than \$250,000 or imprisoned not more than twenty years, or both; and

"(2) in any other case, be fined not more than \$250,000 or imprisoned not more than five years, or both."

#### EFFECTIVE DATE

The amendment made by section 1 shall take effect six months after the date of the enactment of this Act.

#### H.R. 2653

A bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*





## SHORT TITLE

SECTION 1. This Act may be cited as the "Improved Standards for Laboratory Animals Act."

## FINDINGS

SEC. 2. The Congress finds that—

(1) the use of animals has been instrumental in certain research and education for advancing knowledge of cures and treatments for diseases and injuries which afflict both humans and animals;

(2) methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing;

(3) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds; and

(4) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.

## STANDARDS AND CERTIFICATION PROCESS

SEC. 3. (a) Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (b) through (d) as subsections (f) through (h), respectively; and

(2) by striking out the first two sentences of subsection (a) and inserting in lieu thereof the following:

"(1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.

"(2) The standards described in paragraph (1) shall include requirements—

"(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

"(B) for exercise of dogs.

"(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements—

"(A) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

"(B) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal;

"(C) in any practice which could cause pain to animals—

"(i) that a doctor of veterinary medicine is consulted in the planning of such procedures;

"(ii) for the use of tranquilizers, analgesics, and anesthetics;

"(iii) for pre-surgical and post-surgical care by laboratory workers in accordance with established veterinary medical and nursing procedures;

"(iv) against the use of paralytics without anesthesia; and

"(v) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time;

"(D) that no animal is used in more than one major operative experiment from which it is allowed to recover except in cases of—

"(i) scientific necessity; or

"(ii) other special circumstances as determined by the Secretary; and

"(E) that exceptions to such standards may be made only when specified by research protocol and that any such exception shall be detailed and justified in a report outlined under paragraph (7) and filed with the Institutional Animal Committee."

(b) Section 13(a) of such Act is further amended—

(1) by designating the third and fourth sentences as paragraph (4);

(2) by designating the fifth sentence as paragraph (5); and

(3) by striking out the last sentence and inserting in lieu thereof the following:

"(6) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility: *Provided*, That the Secretary shall require every research facility to show that professionally acceptable standards governing the care, treatment, and practices on animals are being followed by the research facility during research and experimentation.

"(7)(A) The Secretary shall require, at least annually, every research facility to report that the provisions of this Act are being followed.

"(B) In complying with subparagraph (A), the research facility shall provide—

"(i) the details of any procedure which was likely to produce pain or distress in any animal and assurances demonstrating that the principal investigator considered alternatives to those procedures;

"(ii) assurances satisfactory to the Secretary that such facility is adhering to the standards described in this section; and

"(iii) an explanation for any deviation from the standards promulgated under this section.

"(8) Paragraph (1) shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1)."

(c) Section 13 of such Act is further amended by inserting after subsection (a) the following new subsections:

"(b)(1) The Secretary shall require that each research facility establish at least one Institutional Animal Committee. Each Committee shall be appointed by the chief executive officer of each such research facility and shall be composed of not fewer than three members. Such members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility. Of the members of the Committee—

"(A) at least one member shall be a doctor of veterinary medicine;

"(B) at least one member shall not be affiliated in any way with such facility other than as a member of the Committee, shall not be a member of the immediate family of a person who is affiliated with such facility, and shall be responsible for representing society's concerns regarding the welfare of the animal subjects; and

"(C) in those cases where the Committee consists of more than three members, not more than three members shall be from the same administrative unit of such facility.

"(2) A quorum shall be required for all formal actions of the Committee, including inspections under paragraph (3).

"(3) The Committee shall inspect at least semiannually all animal study areas and

animal facilities of such research facility and review as part of the inspection—

"(A) practices involving pain to animals, and

"(b) the condition of animals,

to ensure compliance with the provisions of this Act and that pain and distress to animals is minimized. Exceptions to the requirement of inspection of such study areas may be made by the Secretary if animals are studied in their natural environment and the study area is prohibitive to easy access.

"(4)(A) The Committee shall file an inspection certification report of each inspection at the research facility. Such report shall—

"(i) be signed by a majority of the Committee members involved in the inspection;

"(ii) include reports of any violation of the standards promulgated, or assurances required, by the Secretary, including any deficient conditions of animal care or treatment, any deviations of research practices from originally approved proposals that adversely affect animal welfare, any notification to the facility regarding such conditions, and any corrections made thereafter;

"(iii) include any minority views of the Committee; and

"(iv) include any other information pertinent to the activities of the Committee.

"(B) Such report shall remain on file for at least three years at the research facility and shall be available for inspection by the Animal and Plant Health Inspection Service of the Department of Agriculture and any funding Federal agency.

"(C) In order to give the research facility an opportunity to correct any deficiencies or deviations discovered by reason of paragraph (3), the Committee shall notify the administrative representative of the research facility of any deficiencies or deviations from the provisions of this Act. If, after notification and an opportunity for correction, such deficiencies or deviations remain uncorrected, the Committee shall notify (in writing) the Animal and Plant Health Inspection Service of the Department of Agriculture and the funding Federal agency of such deficiencies or deviations.

"(5) The inspection results shall be available to Department of Agriculture inspectors for review during inspections. Department of Agriculture inspectors shall forward any Committee inspection records which include reports of uncorrected deficiencies or deviations to the Animal and Plant Health Inspection Service of the Department of Agriculture and any funding Federal agency of the project with respect to which such uncorrected deficiencies and deviations occurred.

"(c)(1) The research facility shall provide for annual training for scientists, animal technicians, and other personnel involved with animal care and treatment in such facility. Such training shall include instruction on—

"(A) the humane practice of animal maintenance and experimentation;

"(B) research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress; and

"(C) utilization of the information service at the National Agricultural Library, established under subsection (d).

"(2) Research facilities shall inform their employees of the provisions of this Act and shall inform such employees to report any violations of such provisions. Any such employee may not be discriminated against on





grounds that such employee reported a violation of such provisions.

"(d) The Secretary shall establish an information service at the National Agricultural Library. Such service shall, in cooperation with the National Library of Medicine, provide information—

"(1) pertinent to employee training;

"(2) which could prevent unintended duplication of animal experimentation as determined by the needs of the research facility; and

"(3) on improved methods of animal experimentation, including methods which could—

"(A) reduce or replace animal use; and

"(B) minimize pain and distress to animals, such as anesthetic and analgesic procedures.

"(e) In any case in which the funding Federal agency determines that conditions of animal care, treatment, or practice in a particular project have not been in compliance with standards promulgated under this Act, despite notification by the Secretary or the funding Federal agency to the research facility and an opportunity for correction, such agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 706 of title 5, United States Code."

#### INSPECTIONS

SEC. 4. Section 16(a) of the Animal Welfare Act (7 U.S.C. 2146(a)) is amended by inserting after the first sentence the following:

"The Secretary shall inspect each research facility at least once each year and, in the case of deficiencies or deviations from the standards promulgated under this Act, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected."

#### PENALTY FOR RELEASE OF TRADE SECRETS

SEC. 5. The Animal Welfare Act (7 U.S.C. 2131-2156) is amended by adding at the end thereof the following section:

"SEC. 27. (a) It shall be unlawful for any member of the Institutional Animal Committee to release any confidential information of the research facility, including any information that concerns or relates to—

"(1) the trade secrets, processes, operations, style of work, or apparatus, or

"(2) to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of the research facility.

"(b) It shall be unlawful for any member of such Committee—

"(1) to use or attempt to use to his advantage, or

"(2) to reveal to any other person, any information which is entitled to protection as confidential information under subsection (a).

"(c) A violation of subsection (a) or (b) is punishable by—

"(1) removal from such Committee, and

"(2)(A) a fine of not more than \$1,000 and imprisonment of not more than one year, or  
 "(B) if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than three years.

"(d) Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost

of the suit including a reasonable attorney's fee.

"(e) Nothing in this section shall be construed to affect any other rights that any such person may have, nor shall subsection (d) be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b)."

#### CIVIL PENALTY FOR VIOLATING ANIMAL WELFARE ACT

SEC. 6. (a) Subsection (b) of Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) in the first sentence by striking out "\$1,000" and inserting in lieu thereof "\$2,500"; and

(2) in the last sentence by striking out "\$500" and inserting in lieu thereof "\$1,500".

(b) Subsection (d) of such section is amended by striking out "\$1,000" and inserting in lieu thereof "\$2,500".

#### DEFINITIONS

SEC. 7. (a) Section 2(e) of the Animal Welfare Act (7 U.S.C. 2132(e)) is amended by adding after "The term 'research facility' means" the following: "each department, agency, or instrumentality of the United States which uses live animals for research or experimentation."

(b) Section 2 of such Act is further amended by redesignating subsections (f) through (j) as subsections (j) through (n), respectively and by inserting after subsection (e) the following new subsections:

"(f) The term 'Federal agency' means an Executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

"(g) The term 'Federal award for the conduct of research, experimentation, or testing, involving the use of animals' means any mechanism (grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research;

"(h) The term 'quorum' means a majority of the Committee members;

"(i) The term 'Committee' means the Institutional Animal Committee established under section 13(c);"

#### EFFECTIVE DATE

SEC. 8. This Act shall take effect one year after the date of the enactment of this Act.

#### OPTIONS FOR THE FUTURE— THE FISCAL YEAR 1986 BUDGET

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1985

Mr. GREEN. Mr. Speaker, as the debate over the Federal budget for fiscal year 1986 evolved during the past several months, I told my constituents that I would vote for a budget proposal only if it contained three important elements: A significant limitation on the growth of military spending; an equitable mix of Federal spending so that we in the Congress would not place an unfair burden on the poor, the elderly, urban

residents, or any other group whose existence somehow depends upon Federal assistance; and a substantial cut in projected Federal deficits.

After examining the five budget proposals presented to the House of Representatives on May 22-23, 1985, along with the two amendments to the House Budget Committee proposal, it became clear that only two of the proposals fulfilled these three criteria. Therefore, I voted in favor of the 92 Group/moderate Republican proposal, and for the budget plan which ultimately was approved by the House—the Democratic-sponsored House Budget Committee proposal.

Mr. Speaker, our Federal budget must respect the needs of all our Nation's people. The budget sets priorities on a national scale, and its elements will have tremendous effects on our country's economic future. The Congress has a responsibility to ensure the economic security of our Nation—a security which will be less and less bright if we do not get our fiscal policy and priorities in order. Deciding on a budget plan for the next 3 fiscal years, which will have a great deal of influence over the budgets of the succeeding 3 to 5 years, means that we are deciding on our future now.

I set the three criterias specified above for a number of reasons. I have been a vocal opponent of the type of increased defense spending which has caused the defense share of budget outlays to grow from 24.3 percent in 1981 to 29.4 percent in 1985. I was very disturbed by the administration's original defense request of \$313.4 billion for fiscal year 1985 because not only are we spending too much on defense, but we are getting too little in return. The examples of \$600 toilets and \$110 diodes are more than just anecdotes—they are examples of a defense procurement system which needs a serious overhaul. I constantly have voted against appropriating funds for the MX missile, which could not survive a Soviet first strike, and the B-1 bomber, an unnecessary airplane, and I shall continue to do so whenever the chance arises. I am very much in favor of a sensible and economical approach to defending our country; we cannot solve our defense problems by throwing money at them.

This is especially true when these taxpayer dollars are thrown at defense at the expense of vital domestic programs. The administration's original budget request shifted \$30 billion from domestic programs to defense in the guise of a Federal spending freeze. These types of budgetary shenanigans clearly are unacceptable. Drastic cuts in programs such as student aid, mass transit, and housing of the type proposed by the administration would hurt our country more than help it.

